

## REMARKS

The invention relates to a bale lift device that can be used to lift a bale and transport it to another location. The bale lift device includes a back frame, a stabilizing member, and a rotation axis. The back frame has a first end and a second end and is constructed for attachment to a loader arm and to a hydraulic cylinder attached to the loader arm. The stabilizing member includes a plurality of teeth extending from the stabilizing member. The back frame and the stabilizing member attach at the rotation axis and allow the back frame and the stabilizing member to rotate relative to each other. The bale lift device is constructed so that it holds a bale and the hydraulic cylinder extends, the back frame first end pushes against a bale as a result of rotation of the back frame relative to the stabilizing member. This operation can be exemplified by looking at Figures 1-3 of the above-identified patent application. As shown in Figures 1-3, as the hydraulic cylinder 36 extends, the back frame 14 rotates relative to the stabilizing member 26 containing a plurality of teeth 20, and the back frame first end 32 pushes against the bale 13 to help move the bale 13 off of the plurality of teeth 20.

An advantage of the bale lift device according to the invention is that it can avoid the use of a bale lift hydraulic cylinder for operating the bale lift device. Instead, the bale lift device can rely upon the loader hydraulic cylinder provided on a front end loader for operating the bale lift device. This means that additional hydraulic cylinder lines and controls are not needed for operating the bale lift device according to the invention when it is provided on a front end loader.

The invention additionally relates to a front end loader having a bale lift device, and to a method for operating a front end loader having a bale lift device.

### Rejection under 35 U.S.C. § 112, second paragraph

Claims 22-30 stand rejected under 35 U.S.C. § 112, second paragraph. In view of the above amendment to claims 22, 26, 28, 29, and 30, it is believed that this rejection has been rendered moot, and withdrawal of this rejection is requested.

### Prior Art-Based Rejections

Claims 19-30 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,778,330 to *Mailleux et al.* This rejection is traversed.

The claims of the above-identified patent application are amended so that they clearly distinguish from the elevator device disclosed by *Mailleux et al.* According to the present invention, the back frame and the stabilizing member (and plurality of teeth extending from the stabilizing member) rotate relative to each other as a result of extending or retracting the hydraulic cylinder attached to the loader arm so that when the bale lift device holds a bail and the hydraulic cylinder extends, the back frame first end pushes against the bale as a result of rotation of the back frame relative to the stabilizing member. This operation is exemplified by Figures 1-3 of the above-identified patent application.

*Mailleux et al.* fail to disclose a bail lift device according to the present invention. As described by *Mailleux et al.* at column 2, lines 38-43, the connecting rods 11 are provided so that "the hitch 9 is always maintained substantially vertical." This is in contrast to the bale lift device according to the invention where the back frame rotates as a result of extension or contraction of the hydraulic cylinder attached to the loader arm.

The outstanding Office Action contends that *Mailleux et al.* disclose a back frame at reference number 13, a stabilizing member at reference number 16, teeth at reference number 38, and a rotation axis at reference number 15. Even if one accepts these names for the components of the elevator device described by *Mailleux et al.*, there is no ability for these components to operate in the manner required by the presently claimed invention. According to the present invention, as a result of extending or retracting a hydraulic cylinder attached to the loader arm and to the back frame, the stabilizing member and the back frame rotate relative to each other so that when the bale lift device holds a bale and the hydraulic cylinder extends, the back frame first end pushes against the bale as a result of rotation of the back frame relative to the stabilizing member. This is not achieved by *Mailleux et al.* The Examiner's attention is directed at the cylinder 31 disclosed by *Mailleux et al.* at column 3, lines 10-14, and Figure 1, that causes the connecting rods 16 and 21 and the rocking lever 22 and mobile brace 28 to rotate between the two positions shown in Figure 1. See *Mailleux et al.* at column 2, line 51 through column 3, line 14.

Clearly, *Mailleux et al.* fail to disclose the presently claimed invention, and withdrawal of the rejection over *Mailleux et al.* is requested.

Claims 19-30 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,106,253 to *Wedin*, U.S. Patent No. 4,930,974 to *Langenfeld et al.*, and U.S. Patent No. 5,833,424 to *Bales*. This rejection is traversed.

In view of the above amendment, the claimed invention more clearly distinguishes from *Wedin*, *Langenfeld et al.*, and *Bales*.

*Wedin* describes a bale carrying attachment for use on a tractor. The bale carrying attachment is operated by a hydraulic cylinder C for moving the carriage 6 along a pivotally mountable bale impaling spear 2. See *Wedin* at Figure 1 and column 3, line 62 through column 4, line 32. *Wedin* provides a hydraulic cylinder as part of the disclosed bale carrying attachment.

*Wedin* fails to disclose a bale lift device according to the present invention. In particular, *Wedin* fails to disclose a back frame, a stabilizing member (containing a plurality of teeth), and a rotation axis attached to the back frame and the stabilizing member to allow rotation of the back frame relative to the stabilizing member as a result of extending or retracting the hydraulic cylinder attached to the loader arm so that when the bale lift device holds a bale and the hydraulic cylinder extends, the back frame first end pushes against the bale as a result of rotation of the back frame relative to the stabilizing member.

The outstanding Office Action refers to *Langenfeld et al.* but fails to explain how *Langenfeld et al.* would have suggested modifying *Wedin* to achieve the presently claimed invention. *Langenfeld et al.* describe a bale lift device that can be used on a front end loader. The bale lift described by *Langenfeld et al.* do not include a back frame and a plurality of teeth that are constructed to rotate about a rotation axis as a result of operating the loader using the hydraulic cylinder provided as part of the front end loader according to the present invention.

*Bales* describes a hand operated hay bale lifter. The outstanding Office Action refers to elements 40, 42, and 44 of *Bales*. It appears that the Office Action is referring to Figure 1 of *Bales*. Irrespective of the disclosure by *Bales* of a middle spike or lance 40 and a pair of side spikes 42 and 44 (see *Bales* at column 4, lines 22-30), no reason has been provided in the outstanding Office Action to explain why one having ordinary skill in the art would modify the bale carrying attachment described by *Wedin* to achieve the presently claimed invention. In particular, no reason has been provided to explain why one having ordinary skill in the art would modify *Wedin* to provide a back frame, a stabilizing member, and a rotation axis attached to the back frame and the stabilizing member to allow rotation of the back frame relative to the

stabilizing member as a result of extending or retracting the hydraulic cylinder attached to the loader arm and the back frame so that when the bale lift device holds a bale and the hydraulic cylinder extends, the back frame first end pushes against the bale as a result of rotation of the back frame relative to the stabilizing member.

In view of the above comments, the claimed invention would not have been obvious from *Wedin, Langenfeld et al.*, and *Bales*. Accordingly, withdrawal of this rejection is requested.

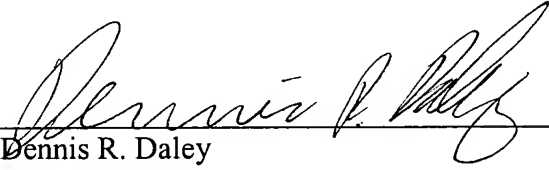
It is believed that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: October 11, 2005



  
Dennis R. Daley  
Reg. No. 34,994  
DRD:sl